

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

115-9-16294

IN THE MATTER OF:

EDWIN CARRASQUILLO DIAZ
LORENZA ELFRIDA CORA SANTIAGO
Debtors

ORIENTAL BANK
Movant

Vs.

EDWIN CARRASQUILLO DIAZ
LORENZA ELFRIDA CORA SANTIAGO
Respondents/Debtors

ALEJANDRO OLIVERAS RIVERA
Trustee

CASE NO. 11-10699 MCF

CHAPTER 13

**MOTION REQUESTING LIFTING OF
AUTOMATIC STAY FOR CAUSE**

TO THE HONORABLE COURT:

NOW COMES movant **ORIENTAL BANK (ORIENTAL)** as Successor of **BANCO BILBAO VIZCAYA ARGENTARIA PUERTO RICO (BBVA)**, represented by its undersigned attorneys and respectfully STATES and PRAYS:

I. Jurisdiction

1. This motion is brought before this Honorable Court pursuant to Rules 4001(a) and 9014 of the Federal Rules of Bankruptcy Procedure and Section 362(d) of the Bankruptcy Code [11 USC §362(d)], for relief from the automatic stay and/or other relief.

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2. Mr. Alejandro Oliveras Rivera, Esq., is included in the instant matter in his official capacity as Chapter 13 Trustee.

II. Factual Background

3. On December 16th, 2011, debtors filed the instant petition for relief. A plan dated January 16th, 2012, was confirmed on February 10th, 2012.

4. Pursuant to the terms of the confirmed plan, debtors would pay to the Trustee the sum of \$200.00 for sixty (60) consecutive months for a total base of \$12,000.00. From said proceeds the Trustee would disburse \$2,931.00 for attorney's fees and pre-petition arrears owed to ORIENTAL on its secured claim. The plan further states that debtors shall keep current the monthly post-petition installment to ORIENTAL as they become due.

5. ORIENTAL is holder in due course of a duly recorded money purchase security agreement with security interest (contract number 9617580654) at the Motor Vehicles and Trailers Registry of the Department of Transportation and Public Works of the Commonwealth of Puerto Rico, which encumbers a 2009, Kia Sedona automobile, engine number KNDMB233X96269663, registered in the name of EDWIN CARRASQUILLO DIAZ. (See Exhibit "A").

6. As of September 12th, 2013, debtors have outstanding post-petition arrears in the total sum of **\$2,516.29** including late payment charges owed to ORIENTAL on the contract above described.

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(See Statement of Account made by an authorized officer of ORIENTAL which is attached hereto and identified as "Exhibit B")

III. Lifting of Automatic Stay

8. Section 362(d)(1) of the Bankruptcy Code [11 USC §362(d)(1)] states as follows:

"(d) On request of a party in interest and after notice and a hearing, the court shall grant relief of the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay--

(1) for cause, including the lack of adequate protection of an interest of such party in interest;"

IV. DEFAULT WITH THE TERMS OF THE CONFIRMED PLAN

9. Debtor has failed to comply with the terms of the loan. They have also failed to comply with the terms of the confirmed plan. This constitutes a material default by the debtors with respect to the terms of the confirmed plan.

10. Debtors are not members of the U.S. Armed Forces, the Coast Guard, the Public Health Services or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy which is attached only to the original of this motion and movant's copy.

11. Taking into consideration what is above stated, it is appearing party's contention that sufficient cause exists to lift the automatic stay under Section 362(d), supra. Therefore, it is

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appearing party's contention that this Honorable Court should enter an Order lifting the automatic stay for cause in favor of ORIENTAL.

WHEREFORE, respectfully, it is requested from this Honorable Court to grant this Motion and to enter an Order lifting the automatic stay for cause in favor of appearing creditor herein and to further grant ORIENTAL \$300.00 for attorney's fees.

I HEREBY CERTIFY: On this same date I electronically filed the foregoing document with the clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Attorney for Debtor(s), **ROBERTO FIGUEROA CARRASQUILLO, ESQ.** and to Chapter 13 Trustee, **ALEJANDRO OLIVERAS RIVERA, ESQ.**; and by ordinary mail to debtor(s) and to all creditors and parties in interest appearing in the attached Master Address List.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 23 day October of, 2013.



s/ Angel M. Vázquez Bauzá
ANGEL M VÁZQUEZ BAUZÁ, ESQ.
Bar Number: 203308
ENR & Associates
PO Box 191017
San Juan, PR 00919-1017
Tel. (787) 754-1313 Fax. 754-1354
e-mail: avazquez@enrassociates.com

115-9-16294

STATEMENT OF ACCOUNT

Debtor/Petitioner:
EDWIN CARRASQUILLO DIAZ
LORENZA ELFRIDA CORA SANTIAGO

Case Number: 11-10699 MCF
Chapter 13

ORIENTAL BANK
(CREDITOR)

LOAN NUMBER(S): 9617580654
(AUTO)

BBVA is holder in due course of a purchase money security agreement encumbering with a valid security interest a motor vehicle described as follows:

MAKE : KIA

MODEL: SEDONA

VIN : KNDMB233X96269663

YEAR : 2009

AUTO LOAN- REGISTRATION NO. 3757127

DATE DEBT WAS INCURRED: 10-02-10

AS OF: 09-12-13

PRINCIPAL \$ 12,301.51
INTERESTS \$ 875.41
LATE CHARGES \$ 587.14

NET IMPORT AJP'S \$

RETURNED PAYMENTS \$

MONTHS OF ARREARS \$ 2,516.29 POST-PETITION

MONTHLY PAYMENTS \$ 378.83

TOTAL \$ 13,764.06

The subscribing of ORIENTAL BANK declares under penalty of perjury that according to the information gathered by ORIENTAL BANK the foregoing is true and correct.

Signature : 
Print Name: SYLVETTE VIZCARRONDO RODRIGUEZ

Date: 10-10-13

[illegible]

AVISO AL COMPRADOR

1. Si los términos de financiamiento expuestos en este acuerdo con el VENDEDOR han surgido correctos en todos sus extremos o si el Comprador desea cancelar el financiamiento, el VENDEDOR o no está libre de acuerdo no le hubiere sido entregada a usted por el VENDEDOR o no estuviera en la actualidad en su poder o no.

2. Si el VENDEDOR no hubiere cumplido todas sus obligaciones para con usted, el COMPRADOR podrá cancelar el financiamiento, mediante carta notarial, a cargo de un notario, con acuse de recibo, a la dirección indicada en este acuerdo, dentro de los veinte (20) días siguientes a la fecha en que tenga conocimiento de algún hecho que pueda dar lugar a una cancelación de acción o de cancelación de la obligación.

3. En consecuencia, el COMPRADOR, al notificar al Censionario deberá serterrefuicio a BBVA, S.A. Departamento de Financiamiento de Automóviles, 172 Calle Amalfino, Rio Piedras, P.R. 00928.

En consideración al otorgamiento de este Contrato por el VENDEDOR, el Subsistema, por el presente garantiza solamente al VENDEDOR y su Censionario, BANCO BILBAO VIZCAYA ARGENTARIA PUERTO RICO (BBVA), sus sucesores y cesionarios, el pago de todos los plazos de este financiamiento, de acuerdo a las condiciones de este contrato, y el cumplimiento de este Contrato por parte del COMPRADOR. Dicho sistema se obliga a pagar a BBVA, sus sucesores y cesionarios, cuando fuese requerido para ello, la totalidad del balance pendiente de pago.

ESTADO LIBRE ASOCIADO DE PUERTO RICO
GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE TRANSPORTES Y VEHICULOS

CERTIFICADO DE TITULO

03012010 14714708 0399-10533-4700-00000000

NUMERO DE TITULO A 4149170	FECHA EXPEDICION 08ago2008	NUMERO DE REGISTRO 7094885	FECHA REGISTRO 18jun2008
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NUMERO DE SERIE (VIN) KNDMB233X96269663	MARKA KIA	MODELO SEDONA	AÑO 2009	NUM. CILINDROS 5
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NOMBRE Y DIRECCION DEL QUEÑO REGISTRAL
Nombre: CARRASQUILLO DIAZ, EDWIN
Residencia: BO MARIN ALTO
PATILLAS, PR 00723

Postal: HC 55 BOX 4358
PATILLAS, PR 00723

GRAVAMENES
PRIMER GRAVAMEN: VENTA DE CASH ARGENTARIA
FECHA: 01/11/2008

SEGUNDO GRAVAMEN (OTROS)

CANCELACION GRAVAMEN
DEBEN (5) ABAJO FIRMANTE (5) TENEDOR (5) DEL GRAVAMEN SOBRE EL VEHICULO DE MOTOR DESA AUTO
ARRIBA CERTIFICAMOS QUE EL MISMO HA SIDO PAGADO (SI MAS DE UN GRAVAMEN DEBERAN APARECER DOS
(2) FIRMAS)

PRIMER GRAVAMEN	FECHA	FIRMA AUTORIZADA
SEGUNDO GRAVAMEN	FECHA	FIRMA AUTORIZADA

NUMERO CONTROL
A-9714747

SECRETARIO DE TRANSPORTES Y VEHICULOS
O REPRESENTANTE AUTORIZADO

NO ES VALIDO SIN EL TAPADO



**Status Report
Pursuant to Servicemembers Civil Relief Act**

Last Name: CARRASQUILLO DIAZ

First Name: EDWIN

Middle Name:

Active Duty Status As Of: Jun-13-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: W328VEF2200A700



**Status Report
Pursuant to Servicemembers Civil Relief Act**

Last Name: CORA SANTIAGO

First Name: LORENZA

Middle Name: ELFRIDA

Active Duty Status As Of: Jun-13-2013

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individual's active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
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Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

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Certificate ID: X3NCLEC2E00AE40